



1634

PATENT
Attorney Docket 044921-5058-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Patricia D. Murphy)

Application No. 09/084,471)

Filed: May 22, 1998)

For: Novel Coding Sequence Haplotypes of
the Human BRCA2 Gene)

Group Art Unit: 1634

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Examiner: S.W. Zitomer DEC 04 2002


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TRANSMITTAL FORM

1. Transmitted herewith is a Sequence Listing in response to the Office Communication dated 28 October 2002.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicant believes that no extension of time is required. However, if the Applicant has inadvertently overlooked the need for a petition and fee, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Additional Papers Filed:
 - (i) Copy of Office Communication dated 28 October 2002.
 - (ii) Statement Accompanying Sequence Listing
 - (iii) Sequence Listing of 169 pages
 - (iv) Computer Diskette with electronic copy of Sequence Listing
4. Constructive Petition: Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

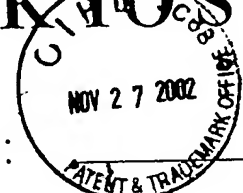
Dated: November 27, 2002
Morgan, Lewis & Bockius LLP
Customer No. 09629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

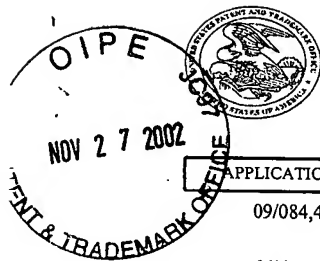
Respectfully submitted
Morgan, Lewis & Bockius LLP


Robert Smyth
Registration No. 50,801

DISK TO STIC

DATE:





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/084,471	05/22/1998	PATRICIA D. MURPHY	5371.31.US02	5585

9629 7590 10/28/2002

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

ZITOMER, STEPHANIE W

ART UNIT PAPER NUMBER

1634

DATE MAILED: 10/28/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 1037-02 Attorney RLST/RLST/RJS
Case 44921-5058-01
Due Date 11-28-02
Action Response Due
By SDW Chk FS

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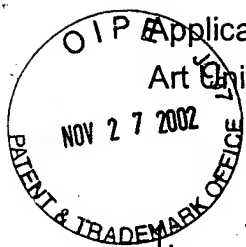
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OCT 31 2002

MORGAN, LEWIS & BOCKIUS LLP



Notice of Non-Responsive Amendment

The reply filed on July 16, 2002 is not fully responsive to the prior Office Action for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the reply can be considered. In particular, it is noted that examination of the elected claims requires a sequence search, which search cannot be conducted until a complying Computer Readable Form of the Sequence Listing has been entered. The Sequence Listing currently entered in the application is incomplete. For example, the sequence presented in Figure 1, which is identified in the description of that Figure as "the GenBank genomic sequence of BRCA2 (Accession Number U43746; SEQ ID NO: 134)" is not included in the Sequence Listing (the current Sequence Listing includes only 133 sequences). See also 37 CFR 1.111.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication should be directed to Diana B. Johannsen whose telephone number is 703/305-0761. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 703/308-1152. The fax phone numbers

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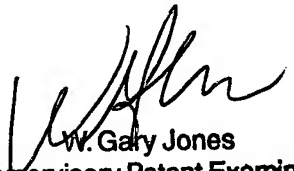
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Art Unit: 1634

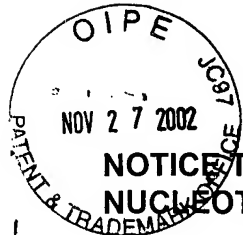
for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0196.

Diana B. Johannsen
October 18, 2002



W. Gary Jones
Supervisory Patent Examiner
Technology Center 1600



Application No.: 09/084,471

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Incomplete Sequence Listing

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Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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